

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SAMMIE L. BOOKER-EL,)
)
Petitioner,)
)
v.) CAUSE NO. 3:14-CV-1758 PS
)
SUPERINTENDENT)
)
Respondent.)

OPINION AND ORDER

Sammie L. Booker-El, a *pro se* prisoner, filed a habeas corpus petition attempting to challenge his 2002 conviction and 40 year sentence on three counts of child molestation by the Madison Circuit Court under cause number 48C01-0112-CF-398. This is not the first time that Booker-El has filed a habeas corpus petition challenging that conviction. In *Booker v. Superintendent*, 3:08-CV-271 (N.D. Ind. filed June 4, 2008), Booker-El challenged the same conviction and sentence that he is challenging here. The court denied the petition and entered judgment on February 3, 2010. Therefore this case is a successive habeas corpus petition. However, it has not been authorized by the Seventh Circuit.

This court lacks jurisdiction to hear an unauthorized successive habeas corpus petition. 28 U.S.C. § 2244(b)(3)(A). “A district court *must* dismiss a second or successive petition, without awaiting any response from the government, unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Because Booker has not obtained authorization from the Seventh Circuit to file a successive petition, this case is **DISMISSED** for want of jurisdiction.

SO ORDERED.

ENTERED: August 1, 2014

s/Philip P. Simon

Chief Judge

United State District Court